



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Ms. Shanda Harper
Aura Inc.
4240 Portsmouth Boulevard #177
Chesapeake, VA 23321

MAY 25 2016

and

Mr. Brian Parker
Aura Inc.
137 Kenmore Street
Suffolk, VA 23434

RE: Notice of Violation, Docket No. SDWA-03-2016-021-VS
Kingsdale Moseley Water System, Southampton County, Virginia
PWS ID No. VA3175461

Dear Ms. Harper and Mr. Parker,

The following Notice of Violation is issued pursuant to Sections 1414(a) and 1445 of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300g-3(a) and 300j-4(a), and is a coordinated effort with the Virginia Department of Health (VDH). According to our records and information received from VDH, your public water system has violated certain provisions of the SDWA, 42 U.S.C. §§ 300f-300j-26, the National Primary Drinking Water Regulations (NPDWR) found at 40 Code of Federal Regulations (CFR) Part 141.

NOTICE OF VIOLATION

FINDINGS

Based on information we possess:

1. Aura Inc. (Respondent) is the owner of the Kingsdale Moseley public water system (PWS), PWS Identification Number VA3175461 (System).
2. Respondent is a "person" as defined by Section 1401 (12) of the SDWA, 42 USC § 300f (12), and 40 CFR § 141.2.
3. According to information provided by the Virginia Department of Health (VDH), the System serves approximately 37 persons and has 18 service connections.

4. According to information provided by VDH the System has at least 15 service connections used by year-round residents, and/ or serves at least 25 year-round residents. Therefore, the Respondent's System is a "public water system" and a "community water system," as defined by Sections 1401(4) and 1401(15) of the SDWA, 42 U.S.C. §§ 300f(4), 300f(15), and by 40 C.F.R. §141.2, and is subject to Part B of the SDWA, and its implementing regulations, 40 CFR Part 141.
5. Respondent failed to sample and analyze for total coliform bacteria, as required by 40 CFR § 141.21 (a) for the Total Coliform Rule, for the monthly monitoring periods September 2015 through March 2016.
6. Respondent failed to sample and analyze for total coliform bacteria, as required by 40 CFR § 141.853 for the Revised Total Coliform Rule, for the monthly monitoring periods April 2016 through present.
7. Respondent failed to submit to VDH a Revised Total Coliform Rule sample siting plan which identifies a sample collection schedule that are representative of water throughout the distribution system as required by 40 CFR § 141.853, by March 31, 2016.
8. Respondent failed to sample and analyze for nitrate, as required by 40 CFR § 141.23, for the annual monitoring periods beginning January 2014 and January 2015.
9. Respondent failed to monitor for radionuclides, as required by 40 CFR § 141.26 for the 6-year (72 months) monitoring period beginning January 2008.
10. Respondent failed to mail or otherwise directly deliver copies of the System's 2011, 2012, 2013, and 2014 Consumer Confidence Reports (CCR) to each of its customers by July 1, of the year following the year of the annual report, as required by VDH pursuant to 40 CFR § 141.152.
11. Respondent failed to submit completed CCR certification forms to VDH within 3 months of distribution of the CCR, as required by 40 C.F.R. § 141.155, for the annual reporting periods of 2011, 2012, 2013 and 2014.
12. Respondent failed to report the results of monitoring to the State within the required time periods, as required by 40 C.F.R. §141.31.
13. Respondent failed to properly notify the public served by the System of the monitoring and reporting violations, as required by 40 C.F.R. §141.204, for the following monitoring violations, for the following monitoring periods:
 - a. Failure to collect and analyze all of the required samples for total coliform monitoring during September 2012.
 - b. Failure to collect and analyze for total coliforms during the monitoring periods beginning September and December 2013.
 - c. Failure to collect and analyze for nitrate during January through December 2014.

- d. Failure to collect and analyze for radionuclides since April 2002.
 - e. Failure to mail or provide Consumer Confidence Reports to system users for the annual report years 2011, 2012, 2013, and 2014.
14. Respondent failed to submit to the State representative copies of its public notifications and certification that public notices were served for the above violations in Paragraph 12, as required by VDH pursuant to 40 C.F.R. §141.31(d).

The Environmental Protection Agency ("EPA") is available to provide advice and technical assistance to help address the above FINDINGS. Please contact Ms. Roberta Riccio at 215-814-3107, if you want to request such advice or assistance.

This Notice of Violation is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. § 300g -3(a). After thirty (30) days from the date of this notice, EPA is authorized either to issue an Administrative Order under Section 1414(g) requiring the public water system to comply, or to commence a civil action under Section 1414(b). Violations of the SDWA and the regulations are subject to penalties of up to \$37,500 per day of violation.

REQUEST FOR INFORMATION

Section 1445(a) of the SDWA, 42 U.S.C. § 300j-4(a), authorizes EPA to require owners and operators of public water systems to provide information as may be necessary to carry out the purposes of the SDWA.

Pursuant to Section 1445(a) of the SDWA, Respondent is required to provide EPA with the following information. This requirement to submit information is mandatory. Compliance with this requirement does not relieve Respondent of any liability for violations of the SDWA. Respondent may be subject to civil and criminal sanctions if it provides misleading or false information or fails to provide the requested information. Information which Respondent provides may be used by EPA in administrative, civil or criminal proceedings.

You may, if desired, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information requested herein, it may be made available to the public by EPA without further notice to you. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35 (See 5 C.F.R. § 1320.3(c)).

The instructions for responding to the inquiries are as follows:

- a. A separate narrative response must be made for each question set forth below, and for any subpart of each question.

- b. Label each response with the corresponding number of the question and any subpart to which it responds.

Accordingly, pursuant to Section 1445(a) of the SDWA, Respondent is directed to provide EPA the following information.

1. Name and street address of the owner or owners of the System. If this is a corporation, provide the names, titles, and addresses of officers. Do not provide a post office box.
2. Name and street address of the operator or operators of the System, and state certification number, if applicable. Do not provide a post office box. If this is a corporation, provide the names, titles, and addresses of officers.
3. The street address of the System, or, if no street address is possible, the physical location of the System. Do not provide a post office box.
4. Number of persons served drinking water by the System per day on average.
5. Number of service connections to the System.
6. State whether the System is operated year-round. If the System is not operated year-round, state the number of days in operation.
7. A copy of the most recently performed sanitary survey for the System.
5. Copies of any total coliform bacteria monitoring performed since September 2015.
6. Copies of any nitrate laboratory analyses performed since January 2014.
7. Copies of any radionuclide analyses performed since January 2002.
8. Copies of any site sampling plans for total coliform monitoring developed for the Total Coliform Rule (effective through March 31, 2016); Ground Water Rule, or the Revised Total Coliform Rule (effective April 1, 2016).
9. Copies of any Consumer Confidence Reports (CCRs) prepared and distributed to system users since 2011.
10. Copies of any public notification posted or provided to water users, regarding the violations listed in paragraph 13, of the Findings.
11. Copies of any reports forwarded to VDH concerning violations and public notifications for the violations listed in paragraphs 5 through 14 of the Findings.
12. The name and license number and expiration date of the System operator.

13. Any existing plans and schedules for monitoring, reporting and public notification.
14. Any existing plans for bringing the Kingsdale Moseley system into compliance with the SDWA regulations.

Your response to this Notice of Violation and Request for Information shall be in writing. Your response is due within thirty (30) days of receipt of this Notice of Violation and Request for Information. You should submit your response to:

Mr. Roberta Riccio
United States Environmental Protection Agency
Ground Water and Enforcement Branch (3WP22)
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029
Riccio.roberta@epa.gov

and

Mr. Daniel B. Horne, PE,
Engineering Field Director
Virginia Department of Health- Office of Drinking Water
830 Southampton Avenue, Room 2058
Norfolk, Virginia 23510
Daniel.Horne@vdh.virginia.gov

If you have any questions, please call Roberta Riccio at 215-814-3107.

EPA has determined that your System may be a "small business" under the Small Business Regulatory Enforcement Fairness Act (SBREFA). The enclosed document entitled "Information for Small Businesses" provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, does not create any new rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

Sincerely,



Karen D. Johnson, Chief
Ground Water and Enforcement Branch

Enclosure

cc: Trip Outland, Outland Contracting 5380 Quaker Drive Suffolk, Virginia 23437
Robert A.K. Payne, Esq., VDH-Office of Drinking Water, Central Office
Daniel B. Horne, PE, VDH-Office of Drinking Water, Southeast Virginia Field Office
Dixon W. Tucker, PE, VDH-Office of Drinking Water, Southeast Virginia Field Office